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NOT TO BE PUBLISHED

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

CHRISTINA C., Plaintiff and Respondent, v. V.L., Defendant and Appellant.	C085884 (Super. Ct. No. STK-CV-UCH-2017-9475)

Plaintiff Christina C. sought a restraining order under Code of Civil Procedure section 527.6[1] to restrain her neighbors, defendant V.L. and defendant's 15-year-old son, A.V., from harassing her and her minor son, A.C. The trial court granted Christina C.'s petition, ordering V.L., among other things, not to harass or intimidate her, A.C., or other family members.

[1] Undesignated statutory references are to the Code of Civil Procedure.

V.L. appeals the civil harassment restraining order, arguing that she was denied her constitutional right to due process because she had no fair and meaningful opportunity to be heard. Finding no merit to her contention, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Christina C. and V.L. are neighbors. In September 2017, Christina C. sought a civil harassment restraining order against V.L. and her son, A.V.,[2] to protect her son A.C. According to Christina C., V.L. and her son were harassing and stalking A.C.

V.L. was served with notice of the request for a restraining order and she filed a written response to the petition.[3] The court held an evidentiary hearing on the restraining order on September 25, 2017.

Christina C. and A.C.'s father testified on Christina C.'s behalf, and V.L. and her son, A.V., testified on V.L.'s behalf. According to the settled statement, Christina C. and A.C.'s father testified consistently that V.L. had harassed A.C. and his family for over two years. They testified that V.L. threatened their lives, embarrassed and humiliated their children in public at the community pool where V.L. orchestrated getting them kicked out after she called A.C. a " 'little dickhead.' " V.L. also showed up at A.C.'s school two days in a row and told him and his sister, " 'Fuck you, you fucking rat bitches.' " V.L. would record the children and chase them while they walked home from school. She would also walk by their home daily and record members of the family. One time she tried to run A.C. over with her car, and pulled her car next to A.C. while her son A.V. yelled, " 'We all know you like dick[,] fag.' " Christina C. and her family were

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[2] Christina C. filed separate requests for a civil harassment restraining order against V.L. and her son. The related matters were heard jointly, and both V.L. and her son testified at the hearing on both requests. V.L. appeals the restraining order issued against her.

[3] V.L.'s response is not included in the record on appeal.

scared for their lives and their property. Christina C. also submitted evidence that V.L. was on probation for committing similar acts against another family and for making death threats.

V.L. and her son A.V. testified that Christina C.'s son always started the problems between the families. While she admitted telling A.C., " '[W]e know you like dick,' " she did so only after A.C. violently ordered his dog to attack her and her son. Regarding the incident at the pool, V.L. claimed that A.C. was being rude and disrespectful to her in front of others and he deserved to be kicked out for his behavior. A.V. claimed that he would cross the street to avoid Christina C.'s family's foul language and to escape them filming him.

Following the hearing, the court granted a three-year civil harassment restraining order protecting Christina C. and her family from V.L. V.L. was ordered not to harass, intimidate, molest, attack, strike, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of A.C., his parents, and his siblings. She was also ordered to stay at least 20 yards away from Christina C.'s family and their home, job or workplace, school, child care, and vehicle. V.L. timely appealed.

DISCUSSION

V.L. contends her constitutional rights to due process were violated because at the restraining order hearing the court prohibited her from calling a witness who would have supported her version of events and required her to respond to Christina C.'s allegations rather than allowing her to testify to the events as she remembered them. In her view, she did not have a meaningful opportunity to be heard. Neither of her arguments are persuasive.

Section 527.6 authorizes a person who has suffered harassment to obtain a temporary restraining order and injunction against the harassing conduct. (§ 527.6, subd.

(a)(1); *Nora v. Kaddo* (2004) 116 Cal.App.4th 1026, 1028.) The statutory process for seeking a restraining order and injunction under section 527.6 is "procedurally truncated, expedited, and intended to provide quick relief to victims of civil harassment." (*Kaiser Foundation Hospitals v. Wilson* (2011) 201 Cal.App.4th 550, 557.)

" '[A]lthough the procedures set forth in [section 527.6] are expedited, they contain certain important due process safeguards. Most notably, a person charged with harassment is given a full opportunity to present his or her case, with the judge *required* to receive relevant testimony and to find the existence of harassment by "clear and convincing" proof . . . .' " (*Nora v. Kaddo*, *supra*, 116 Cal.App.4th at p. 1028; § 527.6, subds. (g)-(i) [the court must hold a hearing, receive relevant testimony, and issue the injunction if it finds, by clear and convincing evidence, that harassment exists].) The statutory hearing procedure satisfies the fundamental requirement for due process—the opportunity to be heard at a meaningful time and in a meaningful manner. (*Mathews v. Eldridge* (1976) 424 U.S. 319, 333 [47 L.Ed.2d 18, 32].)

After examining the record, we conclude that V.L. received the process that was due. Christina C. requested the restraining order on September 8, 2017. The register of actions indicates that V.L. was served with the request. V.L. filed a written response to the request on September 20, and the court held a hearing on the matter on September 25. V.L. and her son both testified at the hearing. V.L. thus had an opportunity to respond to and participate in the proceedings.

According to the settled statement, Christina C. and A.C.'s father testified consistently that V.L. had stalked, harassed, annoyed, scared, and bullied A.C. and their family for over two years. They testified that V.L. threatened their lives, embarrassed and humiliated their children in public at the community pool, and called their minor son vulgar names. V.L., on the other hand, testified that it was Christina C.'s family who was threatening, and that Christina C.'s son ordered his dog to attack her. V.L.'s son, A.V.,

testified that he merely responded to A.C., who often said rude and disrespectful comments to him.

As the trier of fact, the trial court was tasked with weighing this conflicting evidence. (*People v. Young* (2005) 34 Cal.4th 1149, 1181 ["Resolution of conflicts and inconsistencies in the testimony is the exclusive province of the trier of fact."].) That the court found Christina C. and her witness more credible does not mean V.L. did not receive due process.

Nor does the record support V.L.'s claim that the trial court improperly prohibited her from calling a witness at the hearing. V.L.'s opening brief fails to identify the witness or the substance of the witness's purported testimony beyond the conclusory statements that the witness "supported her position" and could "attack the validity of [Christina C.]." Based on a reference in the settled statement, we infer that V.L. is referring to Brandon D. But as the trial judge noted, she did not recall V.L. ever offering him as a witness, and there is no such reference in the record or minute order of the proceedings. V.L.'s conclusory statements, without more, are insufficient to establish that the court denied her due process.

V.L.'s complaint that the trial court required her to respond to Christina C.'s allegations rather than merely testifying to the events in the fashion she recalled them is equally without merit. Trial courts retain broad discretion to control their courtrooms and to efficiently dispose of matters before them. (*People v. Virgil* (2011) 51 Cal.4th 1210, 1237.) V.L. has directed us to no case that holds that a respondent in a restraining order matter may dictate how the court receives testimony at the injunction hearing.

Armstrong v. Manzo (1965) 380 U.S. 545 [14 L.Ed.2d 62], upon which V.L. relies, is also readily distinguishable. There, the petitioner's child was adopted by his ex-wife's new husband without any notice of the adoption proceedings given to the petitioner. (*Id.* at pp. 546-548.) Under those circumstances, the court held that the absence of notice

of the proceedings deprived the petitioner of due process of law. (*Id.* at p. 550.) Nothing similar occurred here. V.L. received notice of the hearing on Christina C.'s request for a restraining order, responded in writing to the request, and appeared at the hearing and testified on her own behalf.

While "[a] fundamental requirement of due process is 'the opportunity to be heard' " (*Armstrong v. Manzo, supra,* 380 U.S. at p. 552), that is precisely the opportunity V.L. was afforded in this case. Substantial evidence, moreover, supports the trial court's finding that a civil harassment restraining order in favor of Christina C. and against V.L. was warranted.

DISPOSITION

The civil harassment restraining order is affirmed. Christina C. is awarded her costs on appeal if any. (Cal. Rules of Court, rule 8.278(a)(1), (2).)

BUTZ, Acting P. J.

We concur:

MAURO, J.

DUARTE, J.